IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 6065 of 2007(V)

AGAINST THE ORDER DATED 31/01/2007 IN IA 145/06 IN RCA.3/2006 of I ADDL. RENT CONTROL APPELLATE AUTHORITY, TRIVANDRUM

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PETITIONER:

MARY JOSE, T.C.NO.21/378,
VISWABHARATHI NURSERY SCHOOL COMPOUND,
NEDUMCADU, KARAMANA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH
SRI.SASITH PANICKER

RESPONDENTS:

B.SARASWATHY AMMAL, D/O.LATE
BHAGAVATHY AMMAL, T.C.25/375, SREE VENKITESH,
NEDUMCADU, KARAMANA P.O., THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

W.P.(C).NO.6065 OF 2007

Dated this the 19th day of March, 2007

JUDGMENT

Raman, J.

This writ petition is filed by the tenant, who has faced with an order of eviction pending in appeal, R.C.A.No.3/2006 before the Rent Control Appellate Authority, Thiruvananthapuram. She sought for a stay of eviction passed by the Rent Control Court by filing I.A.No.145/2006. Originally stay was granted; but she failed to pay the arrears of rent as ordered. Hence, the stay was vacated. Petitioner has produced a copy of the pay order, Ext.P5 issued by the Indian Bank evidencing the payment of Rs.3,000/- on 13/3/2007 along with I.A.No.4164/2007 before this Court and contended that though as on the date of Ext.P4 order the deposit was not made, the delay be condoned. It is admitted that even the said amount paid will not wipe out the entire arrears; but he undertakes to pay the balance amount also. But the petitioner has not moved any application before the court below either for a review or for enlargement of time fixed for making the payment on such reasons. As such we do not find any illegality or irregularity in the order impugned in this writ petition.

However, it is open to the petitioner to seek such remedial action in accordance with law. However, since the appeal itself is of the year 2006, there will be a direction to the Appellate Authority to consider and dispose of the appeal expeditiously.

Subject to the above observation this writ petition is dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.